

BILL ANALYSIS

Senate Research Center

S.B. 1334
By: Bivins
Natural Resources
6-24-93
Enrolled

BACKGROUND

On March 11, 1941, Attorney General Opinion #O-3205 said former Penal Code Article 848a, which is the predecessor statute to Section 28.011, Water Code, gave the then-Board of Water Engineers the right to regulate privately owned water wells. On April 18, 1941, the attorney general issued opinion #O-3205-A, which determined the previous opinion was wrong and that Section 28.011 was not a constitutionally valid delegation of rulemaking authority. This section was never repealed. On November 4, 1991, Attorney General Opinion #DM-54 said the 1941 opinion is no longer valid. DM-54 did not specifically address the intent of Section 28.011 of the Water Code.

PURPOSE

As enrolled, S.B. 1334 authorizes the Texas Water Commission to make and enforce rules and regulations for protecting and preserving the quality of underground water.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.011, Water Code, as follows:

Sec. 28.011. UNDERGROUND WATER: REGULATIONS. Authorizes the Texas Water Commission, except as otherwise provided by this code, to make and enforce rules and regulations for protecting and preserving the quality of underground water.

SECTION 2. Emergency clause.
Effective date: upon passage.